

SALT LAKE COUNTY (UTAH). COUNTY PROBATE COURT ^[959]

CIVIL AND CRIMINAL CASE MINUTE BOOKS, 1860-1887.

5 microfilm reels (4 vols.)

DESCRIPTION: Part of a continuing conflict between the federal government and the Utah Mormon population concerned the jurisdiction of the county probate court. In 1852 the territorial legislature provided that the probate court should have jurisdiction not only in estate and guardianship cases, but original jurisdiction in civil, criminal, and chancery cases. This meant that original jurisdiction of the county probate courts coincided and conflicted with the original jurisdiction exercised in the federally appointed judges in the district courts.

Proceedings from Salt Lake County for criminal and civil cases, including divorce, are recorded in these minutes. The minutes were separated from the CIVIL AND CRIMINAL CASE DOCKET BOOKS in 1860. PROBATE RECORD BOOKS were kept separately from the beginning.

These minute books record the daily proceedings of the probate court, but are not transcripts of court cases. Cases may span multiple dates. The names of plaintiff, defendant, jurors, witnesses, councilors, and judge are noted. The charge or complaint; a statement that councilors presented their cases, including names of witnesses testifying, but not including the testimony; and details of the judgement are recorded as well.

Civil cases include naturalizations; divorces; and civil disputes, most frequently over debts. Criminal cases include larceny, burglary, murder, perjury, assault, riot, embezzlement, forgery, pornography, assisting prisoners to escape, operating without a license, etc.

In 1874, a federal act known as the Poland Bill, curtailed the jurisdiction of the probate courts:

Probate courts, in their respective counties shall have jurisdiction in the settlements of the estates of decedents, and in matters of guardianship and other like matters; but otherwise they shall have no civil, chancery, or criminal jurisdiction whatever; they shall have jurisdiction of suits of divorce for statutory causes concurrently with the district courts;

But any defendant in a suit for divorce commenced in a probate court shall be entitled after appearance and before plea or answer, to have said suit removed to the district court having jurisdiction when said suit shall proceed in like manner as if originally commenced in said district court. [An Act in Relation to Courts and Judicial Officers in the Territory of Utah in Compiled Laws of Utah (Salt Lake City, Deseret News Steam Printing Establishment, 1876), p. 53].

Outside of probate cases therefore, the probate court had jurisdiction only in some divorce cases, so after 1874 only divorce proceedings are recorded in these minutes.

A federal act regarding polygamy, known as the Edmunds-Tucker Law (in Compiled Laws of Utah, Salt Lake City, Herbert Pembroke, 1888, v. I, p. 117-118.), enacted on March 3, 1887 revoked the jurisdiction of the probate courts in all but probate and guardianship matters bringing this series of minute books to a close. The last entry recorded on September 26, 1887 states that "Since the filing of this petition the jurisdiction of this Court in Divorce Cases has been taken away by Congress. For this reason it is ordered by the Court that this case be stricken from the calendar."

ARRANGEMENT: The volumes and their entries are recorded chronologically. The volumes are labeled alphabetically from B through E.

RELATED RECORDS: Three A volumes form part of the series of probate court CIVIL AND CRIMINAL DOCKET BOOKS, series 3944, and minutes from 1852 to 1858 were recorded in these. After 1856 the Third District Court had concurrent jurisdiction over the same Salt Lake County divorce, civil, and criminal cases; the minutes from that court are found in the TERRITORIAL MINUTE BOOKS, Series 1649. Prior to 1856, Salt Lake County was part of the First District Court system, and similar minutes are found under that court. Many CASE FILES and similarly related records may also be found in the records of the Salt Lake County Probate Court, the First District Court, and the Third District Court.

PROCESSING NOTE: The series was microfilmed by the Genealogical Society in 1966. Although scheduled to be microfilmed and destroyed in 1968, the volumes never were discarded. The series was archivally processed by A.C. Cone in 1989. The volumes were transferred to the Salt Lake County Archives in 2001; the State Archives retained a film copy for reference.

CONTAINER LIST

Reel	Description
1	Vol. B, Sept. 10, 1860-Feb. 24, 1869
2	Vol. C, Mar. 1, 1869-Apr. 6, 1872
3	Vol. C, Apr. 6, 1872-Aug. 20, 1877
4	Vol. D, Aug. 20, 1877-June 18, 1884
5	Vol. D, June 18, 1884-Sept. 3, 1885
5	Vol. E, Sept. 2, 1885-Sept. 26, 1887